

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA

DENNIS ALBERT MACCHIONE, :
Plaintiff, : 1:13-cv-2723
v. : Hon. John E. Jones III
UNITED STATES OF AMERICA, :
Defendant. :

ORDER

February 24, 2016

Upon consideration of Defendant's motion (Doc. 46) to dismiss pursuant to Federal Rule of Civil Procedure 12(b) or, in the alternative, for summary judgment pursuant to Federal Rule of Civil Procedure 56(b), and in accordance with the Court's Memorandum of the same date, **IT IS HEREBY ORDERED THAT:**

1. Defendant's motion (Doc. 46) for summary judgment pursuant to Federal Rule of Civil Procedure 56 is **DEEMED** unopposed and **GRANTED**.
2. The Clerk of Court is directed to **ENTER** judgment in favor of the sole remaining Defendant, the United States of America, and against the Plaintiff.
3. The Clerk of Court is further directed to **CLOSE** this case.
4. Any appeal from this order is **DEEMED** frivolous and not in good faith. *See* 28 U.S.C. § 1915(a)(3).

s/ John E. Jones III
John E. Jones III
United States District Judge